

REMARKS

The applicants have studied the Final Office Action dated August 2, 2006, and have made amendments to the application. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 36-59 are pending and claims 36, 43, 48, 55, and 58 have been amended. Reconsideration and allowance of all of the claims in view of the above amendments and the following remarks are respectfully requested.

The applicants wish to thank the Examiner for his acknowledgements listed on page 2 of the Office Action dated August 2, 2006. The applicants would also like to thank the Examiner for his time in the November 1, 2006 telephonic interview with the applicants' representatives. The discussions are believed to have moved the case towards allowance. The applicants have amended claims and have provided the following remarks to present the claims in a better format and to more clearly distinguish the cited art. The Examiner indicated that an additional search may still be necessary, but otherwise the Examiner thought that the presently amended claims would overcome the cited prior art. If the Examiner has any further questions or comments, the Examiner is requested to call the undersigned to advance prosecution of the application.

In accordance with the discussions which took place during the interview, the applicants have amended the claims as suggested by the Examiner. Limitations contained in the preamble of independent claims 36, 43, and 55 were moved to the body of the claim to give those limitations more patentable weight. In addition, clarifying language was added to all of the independent claims to emphasize that the "infusion tubing includes a connector fixedly attached to one end of the infusion tubing." In particular, independent claim 36 now recites, "[a]n insertion set for use with infusion tubing, the insertion set comprising: a mounting base adapted for mounting onto a patient's skin; and a cannula coupled to the mounting base, wherein the infusion tubing includes a connector fixedly attached to one end of the infusion tubing, the connector having at least one recess adapted for coupling the infusion tubing to the insertion set, wherein the infusion tubing is adapted for delivering fluid through the connector to the insertion set . . ." (emphasis added).

Claims 36-39, 41-44, 46-51, 53-56 and 58-59 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,840,613 to Balbierz. In addition, claims 40, 45, 52, and 57 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,840,613 to Balbierz in view of U.S. Patent No. 5,390,671 to Lord. These rejections are respectfully traversed.

The applicants feel that the claims, as currently amended in accordance with the Examiner's recommendations, clearly distinguish over the Balbierz reference. The Balbierz reference is directed to a protective sheath for a catheter assembly and a locking mechanism for ensuring that the sheath be adequately positioned and locked in place to protect a cannula from kinking and accidental withdrawal. However, the Balbierz reference does not specifically disclose "[a]n insertion set for use with infusion tubing, the insertion set comprising: a mounting base adapted for mounting onto a patient's skin; and a cannula coupled to the mounting base, wherein the infusion tubing includes a connector fixedly attached to one end of the infusion tubing . . ." as recited in the claims.

The Examiner characterizes element 62 of the Balbierz reference as showing a connector as recited in the claims. Element 62 of the Balbierz reference is "slidably positioned about the sheath 36" (col. 9, lines 61-62) and "is free of connection with the hub structure 28" (col. 9, line 67-68). Contrastingly, the claims as currently amended recite that "the infusion tubing includes a connector fixedly attached to one end of the infusion tubing." Since the claims recite that the "connector is fixedly attached to one end of the infusion tubing," the Balbierz reference cannot anticipate the claims because element 62 is slidably positioned about the sheath and free of connection with the hub structure.

The dependent claims are further distinguished by virtue of depending on amended independent claims 36, 43, 48, 55, and 58, and reciting additional features not provided for in the Balbierz reference.

Therefore, it is respectfully submitted that the rejection of claims 36-59 under 35 U.S.C. § 102(b) and 103(a) should be withdrawn.

In view of the foregoing, it is respectfully submitted that the application and all of the claims are in condition for allowance. Examination and consideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is invited to call the undersigned attorney at (818) 576-5003 should the Examiner believe a telephone interview would advance the prosecution of the application.

Respectfully submitted,

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By: /Ajit S. Narang/
Ajit S. Narang
Reg. No.: 55,480

Medtronic MiniMed, Inc.
18000 Devonshire Street
Northridge, CA 91325-1219
Telephone: (818) 576-5003
Facsimile: (818) 576-6202